

Remarks

The outstanding restriction is summarized in Table 1:

Table 1

Group No.	Claims	PTO Description
I	1-21	Drawn to scheduling system for delivering job requests
II	22-35	Drawn to a processing unit for ... processing payload data

Applicant here provisionally elects Group I (Claims 1-21) with traverse.

Applicant submits respectfully that the claims are mischaracterized and that the restriction should be withdrawn.

Claim 22, for example, is not drawn to "a" processing unit but rather to "A distributable set of locally synchronous, payload processing units where each said payload processing unit comprises: ... " (emphasis added). Among the elements in the distributable set is "(e) a payloads aligning module ... and for time-aligning the received payloads for delivery at their respective and pre-scheduled ones of the local processing windows, to the payloads processing module for processing by the payloads processing module;" (emphasis added).

Thus it is seen that Claim 22 relates to time-aligning of received payloads relative to local timing windows.

Claim 1 of restriction Group I recites among other steps: "(d) causing the job processor to process the stored payload data when a time corresponding to the second time stamp occurs within the timing reference frame of the job processor." (emphasis added).

Thus it is seen that Claim 1 also relates to time-alignment relative to a local timing reference frame.

Nonetheless, Claims 1 and 22 were allocated to different restriction groups.

It is respectfully submitted that Claim 22 should not be restricted apart from Claim group 1-21 because no additional burden will be placed on the examiner in examining the inter-related aspects and great burden will be placed on the Applicant for having to pay twice and wait twice for having similar claims re-examined.

MPEP §803 is cognizant of the burdens placed on Applicant as well as those placed on the examiner. MPEP §803 (Restriction - When Proper) states:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. [emphasis added]

Request for Change of Restriction

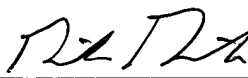
In view of the above it is requested that the restriction lines drawn between Groups I and II be rescinded. A telephone call to the below attorney is requested if it will help expedite processing of the application.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 50-2257 for any matter in connection with this response, including any fee for extension of time and/or fee for additional claims, which may be required.

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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 13, 2005.

 7/13/05

Attorney for Applicant(s)

Date of Signature

Respectfully submitted,



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